

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2
3 In the Matter of

Case No. MD-06-0094A

4 **DALE W. STRUBLE, M.D.**

**CONSENT AGREEMENT FOR
SURRENDER OF ACTIVE LICENSE**

5 Holder of License No. **34790**
6 For the Practice of Allopathic Medicine
In the State of Arizona.

7 **CONSENT AGREEMENT**

8 By mutual agreement and understanding between the Arizona Medical Board
9 ("Board") and Dale W. Struble, M.D. ("Respondent") the parties agree to the following
10 disposition of this matter.

11 1. Respondent has read and understands this Consent Agreement and the
12 stipulated Findings of Fact, Conclusions of Law and Order ("Consent Agreement").
13 Respondent acknowledges that he has the right to consult with legal counsel regarding
14 this matter.

15 2. By entering into this Consent Agreement, Respondent voluntarily
16 relinquishes any rights to a hearing or judicial review in state or federal court on the
17 matters alleged, or to challenge this Consent Agreement in its entirety as issued by the
18 Board, and waives any other cause of action related thereto or arising from said Consent
19 Agreement.

20 3. This Consent Agreement is not effective until approved by the Board and
21 signed by its Executive Director.

22 4. All admissions made by Respondent are solely for final disposition of this
23 matter and any subsequent related administrative proceedings or civil litigation involving
24 the Board and Respondent. Therefore, said admissions by Respondent are not intended
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1 or made for any other use, such as in the context of another state or federal government
2 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
3 any other state or federal court.

4 5. Upon signing this agreement, and returning this document (or a copy
5 thereof) to the Board's Executive Director, Respondent may not revoke the acceptance of
6 the Consent Agreement. Respondent may not make any modifications to the document.
7 Any modifications to this original document are ineffective and void unless mutually
8 approved by the parties.

9 6. This Consent Agreement, once approved and signed, is a public record that
10 will be publicly disseminated as a formal action of the Board and will be reported to the
11 National Practitioner Data Bank and to the Arizona Medical Board's website.

12 7. If any part of the Consent Agreement is later declared void or otherwise
13 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in
14 force and effect.

15 
16 DALE W. STRUBLE M.D.

Dated: 3-3-06

FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.

2. Respondent is the holder of License No. 34790 for the practice of allopathic medicine in the State of Arizona.

3. On Respondent's Arizona license application he disclosed he was involved in the New Jersey Physician Health Program for substance abuse. Respondent was evaluated by the Board's contracted addiction medicine specialist who recommended Respondent be entered into the Board's confidential Monitored Aftercare Program as a condition of licensure.

4. On November 9, 2005 Respondent entered into a Stipulated Rehabilitation Agreement ("SRA") to participate in the Board's Monitored Aftercare Program and was issued an Arizona license. The terms of the SRA required, among other things, that Respondent attend weekly relapse prevention meetings and submit to random biological fluid tests. Respondent failed to attend the weekly relapse meetings and failed to submit biological fluid tests.

5. On January 20, 2006 Board Staff contacted Respondent and requested a urine screen. Respondent complied. On January 24, 2006 Respondent met with Board Staff and David Greenberg, M.D., the Board's contracted addiction medicine specialist. Respondent admitted he relapsed by consuming alcohol and acknowledged his urine screen would be positive for alcohol. Because of Respondent's relapse he was required to sign an Interim Consent Agreement for Practice Restriction and Inpatient Evaluation/Treatment that required, among other things, Respondent to present for evaluation and treatment within 14 days from January 24, 2006.

6. On February 8, 2006 Dr. Greenberg and Board Staff contacted Respondent. Respondent informed Dr. Greenberg and Staff he had relocated to New Jersey and entered the New Jersey Physician Health Program. Respondent stated he has no intention of returning to the State of Arizona to practice medicine. Respondent also admitted he had not presented for the required inpatient evaluation/treatment.

7. Respondent admits to the acts described above and that they constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(f) ("[h]abitual intemperance in the use of alcohol or habitual substance abuse") and 32-1401(27)(r) ("[v]iolating a formal order, probation, consent agreement or stipulation issued or entered into by the board of its executive director under this chapter.").

CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter hereof and over Respondent.

2. The Board possesses statutory authority to enter into a consent agreement with a physician and accept the surrender of an active license from a physician who admits to having committed an act of unprofessional conduct. A.R.S. § 32-1451(T)(2).

ORDER

IT IS HEREBY ORDERED THAT License Number 34790, issued to Dale W. Struble, M.D. for the practice of allopathic medicine in the State of Arizona, is surrendered and that Dale W. Struble, M.D. immediately return his wallet card and certificate of licensure to the Board.

1 DATED AND EFFECTIVE this 6th day of ~~February~~ ^{April}, 2006.

2
3
4 (SEAL)



ARIZONA MEDICAL BOARD

5 By Timothy C. Miller
6 TIMOTHY C. MILLER, J.D.
Executive Director

7 ORIGINAL of the foregoing filed this
8 7th day of ~~February~~ ^{April}, 2006 with:

9 The Arizona Medical Board
9545 East Doubletree Ranch Road
10 Scottsdale, AZ 85258

11 EXECUTED COPY of the foregoing mailed by
12 Certified Mail this 7th day of ~~February~~ ^{April}, 2006 to:

13 Dale W. Struble, M.D.
14 Address of Record

15 [Signature]
16